

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LANDON L. WASHINGTON,

Plaintiff,

-against-

NYC DEPARTMENT OF CORRECTION, Legal
Division, NYC BOARD OF CORRECTIONS,
Executive Director; and MANHATTAN
DETENTION COMPLEX, Sherma Dunbar,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 03/16/2020

19-cv-5395 (PGG) (KHP)

ORDER

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE.

WHEREAS, the President of the United States has declared a national emergency due to the spread of the COVID-19 virus; and

WHEREAS, the Centers for Disease Control have noted that the best way to prevent illness is to avoid exposure to the COVID-19 virus;

NOW, THEREFORE, in order to protect public health, reduce unnecessary travel, and minimize the risk of exposure while promoting the "just, speedy, and inexpensive determination of every action and proceeding," Fed. R. Civ. P. 1;

It is hereby ORDERED, pursuant to Fed. R. Civ. P. 30(b)(3) and (b)(4), that all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that ("[u]nless the parties stipulate otherwise") the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. In light of the current pandemic, the court reporter may attend the deposition and administer the oath

via the same remote means (*e.g.*, telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

It is further ORDERED, pursuant to Fed. R. Civ. P. 16(b)(4), that all unexpired deadlines for the completion of fact depositions, fact discovery, expert depositions, expert discovery, and/or all discovery are hereby EXTENDED for a period of 60 days, together with all post-discovery deadlines previously set by this Court.

Nothing in this Order prevents the parties from seeking to further modify the pretrial schedule in this action in light of the COVID-19 pandemic (or for any other good cause). Prior to seeking such relief, the parties must, as always, meet and confer (via remote means) in a good faith effort to reach agreement on how best to fulfil the goals of Rule 1 while avoiding unnecessary health risks.

The telephone status conference scheduled for April 2, 2020 is hereby adjourned to **July 8, 2020 at 10:00 a.m.** It is hereby **ORDERED** that the Warden or other official in charge of the GRVC-George R. Vierno Detention Center produce plaintiff Landon L. Washington., Book & Case # 3491901974/NYSID # 01930776N, on **July 8, 2020 at 10:00 a.m.** to a suitable location within the GRVC-George R. Vierno Detention Center that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234.

Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the GRVC-George R. Vierno Detention Center to arrange the call and determine the telephone

number at which the plaintiff will be reachable at the above time and date; and (3) telephone chambers at (212) 805-0234, with the plaintiff on the line, at the time and date of the conference.

The Clerk of Court is requested to mail a copy of this order to the Plaintiff.

Dated: March 16, 2020
New York, New York

SO ORDERED.



KATHARINE H. PARKER
United States Magistrate Judge

The Clerk of Court is requested to mail a copy of this order to:

Landon Washington
B&C No. 3491901974
NYSID # 01930776N
GRVC-George R. Vierno Center
09-09 Hazen Street
East Elmhurst, NY 11370